IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU
WRIT PETITION NO : 9923 of 2004

Between:

1 P.Ramachandran @ Muni, S/o Munirathanam
2/97 Perindevammathaota, Papavinasam Road, Tirumala, Chittoor Dist

2 C.Ramaiah S/o C.Venkataiah
4/77 Singamala Street, Tirumala, Chittoor Dist

3 P.M.Sekhar S/o P.Munirathnam
D.No.27, D-Type Quarters No.108, Tirumala, Chittoor Dist

4 R.Nagabhushanam S/o Radharkrishan
D.No.4/16, Moolamattam Thota, Papavinasam Road Tirumala, Chittoor Dist

5 B.Ravi S/o B.Munirathanam
H.No.377, Balaji Nagar, Tirumala, Chittoor Dist

6 E.Munichandra S/o E.Venkataiah
D.No.174, Gollakrishnaiah Street, Tirumala

.....
PETITIONERS

AND

Tirumala Tirupati Devasthanams rep. by its Executive Officer, Tirupati, Chittoor Dist

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction preferably in the nature of Writ of Mandamus declaring the action of the respondent in appointing juniors to the petitioners as paid volunteers without considering the seniority list is arbitrary , illegal and further direct the respondent to absorb and regularize the services of the petitioners as paid volunteers

Counsel for the Petitioner: MR.K.JAYA KUMAR

Counsel for the Respondent No.: MR.A.K.JAYA PRAKASH

The Court Made the Following :

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ORDER:

In similar circumstances of the case on hand, this court in W.P.No.2336 of 1993 passed an order dated 22-06-1999, dismissed the Writ Petition with a liberty to the petitioners to approach the appropriate forum/authority constituted under Industrial Disputes Act.

It is brought to the notice of this Court by the learned counsel for the respondents that the Industrial Tribunal is not passing appropriate orders with regard to the dispute of employer and employee relationship, and therefore, a specific direction may be given to decide the employer and employee relationship in case the petitioners approach the Tribunal.

Learned standing counsel for the respondents contended that limitation aspect will also come into play and therefore, the same has also to be considered by the Tribunal.

It is for the Tribunal to decide whether the relationship of employer and employee exists between the parties basing on the evidence on record. So also, the question of limitation has also to be

decided by the Tribunal.

In that view of the matter, the Writ petition is disposed of with a direction to the petitioners to approach the Tribunal and to seek redressal of their grievances and on such filing of the petition, the same shall have to be disposed of considering the limitation aspect and thereafter with reference to employer and employee relationship. In the circumstances no costs.

18-06-2004

BSS/BVS

Assistant Registrar

//True copy//

Section Officer

To

1. The Executive Officer, Tirumala Tirupati Devasthanams, Tirupati, Chittoor dt.
2. 2CD copies.